

Message Text

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ORIGIN SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 L-03 H-02 DHA-02 NSC-05

DEAE-00 SNM-02 /025 R

DRAFTED BY SCA/SCS/LWPOLIK/MRER

APPROVED BY SCA/SCS/JEKILEY

SCA/SCS/JFHUGHES

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P 291910Z SEP 75

FM SECSTATE WASHDC

TO AMCONSUL HERMOSILLO PRIORITY

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E.O. 11652: N/A

TAGS: CASC,MX(SMITH, ROBERT ALLEN)

SUBJECT: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO

-- (ROBERT ALLEN SMITH)

REF: STATE 194199

1. WHILE CONGRESSMAN STARK'S OFFICE HAS RECEIVED NO ALLEGATIONS OR COMPLAINTS OF MISTREATMENT OR DENIAL OF RIGHTS IN SMITH'S CASE, STARK MATERIAL ON STEPHEN H. WILSON, WHO WAS ARRESTED WITH SMITH, CONTAINS SUCH ALLEGATIONS, AND DEPT HAS RECEIVED SEVERAL ALLEGATIONS BY SMITH, HIS MOTHER AND HIS SISTER. WE WOULD APPRECIATE INFORMATION OR ACTION ON FOLLOWING POINTS:

2. PROTESTATIONS OF INNOCENCE: PER LETTERS OF 8/73 TO CONGRESS AND WHITE HOUSE, SMITH'S MOTHER AND SISTER PROTEST HIS INNOCENCE, EXPRESS THEIR STRONG FEARS FOR HIS SAFETY, AND ALLEGE HIS MISTREATMENT. IN ADDITION, SMITH ALLEGES IN LETTER WRITTEN SHORTLY AFTER ARREST AND ENCLOSED WITH MOTHER'S COMMUNICATION THAT HE AND COMPANION WILSON WERE

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"FRAMED" WHILE ON VACATION IN MEXICO WHEN THEY REFUSED TO

PAY OFF INSPECTORS AT A FRUIT INSPECTION STATION. ONLY MISTREATMENT AT ARREST INTERROGATION MENTIONED BY SMITH PER LETTER IS BEING THREATENED WITH GUN. SINCE THERE IS NO RECORD IN POST FILE OF CONOFF VISIT TO SMITH SHORTLY AFTER 6/24/73 ARREST WHICH COULD OFFER TIMELY CORROBORATION, AND SINCE MARIJUANA WAS FOUND IN THEIR CAR, AND SMITH ORIGINALLY TOOK FULL BLAME, THERE APPEARS NO WAY TO SUBSTANTIATE THESE ALLEGATIONS OF INNOCENCE UNLESS POST HAS STRONG GROUNDS TO CREDIT THEM. AN INDIRECT ALLEGATION (PER SISTER'S LETTER) OF CONTRADICTORY EVIDENCE, I.E. THAT CITED AMOUNT OF MARIJUANA VARIED FROM 400 LBS. TO 80 LBS. TO UNDETERMINED, IS NOT BORNE OUT BY CLAIM OF MEXICAN AUTHORITIES 44 KILOGRAMS WERE FOUND.

3. POSSIBLE EXTORTION: SISTER ALSO COMPLAINS THAT FIRST DOLS 40,000, THEN DOLS 5,000 WAS DEMANDED FOR SMITH'S RELEASE. NO MENTION OF SOURCE OF DEMAND. POST'S COMMENTS REQUESTED POSSIBLE EXTORTION IN THIS CASE IF INFORMATION AVAILABLE.

4. CONFISCATION OF PROPERTY: SMITH ALLEGED THAT FEDERAL POLICE TOOK MONEY AND CLOTHES. WERE THESE RETURNED, OR DOES HE HAVE RECEIPT? IF NOT, ASSIST AS POSSIBLE ON LOCAL LEVEL IF SMITH DESIRES.

5. CONSULAR ACCESS AND VISITATIONS: NO RECORD IN POST FILES ON DATE OF FIRST CONTACT WITH SMITH AFTER ARREST, AND ONLY TWO VISITS SUBSEQUENTLY. POST IS REQUESTED TO PROVIDE AS MUCH INFORMATION AS POSSIBLE THROUGH AN EARLY VISIT ON ABOVE AND OTHER PERTINENT MATTERS, SUCH AS POSSIBLE DISSATISFACTION BY SMITH WITH LEGAL REPRESENTATION AND AVAILABILITY TO HIM OF COMMISSIONED JOB TO REDUCE SENTENCE. POST IS FURTHER REQUESTED TO INSURE SMITH NOTIFIED OF AVAILABILITY OF CONOFF DURING PRESUMED REGULAR PRISON VISITS AND RECORD FOLLOW-UP INFORMATION IN FILES.

6. POSSIBLE USC INVOLVEMENT IN ARREST: WILSON'S REPORT PER STARK MATERIAL OF SMITH/WILSON ARREST ALLEGES THERE WAS AN UNIDENTIFIED "WHITE-HAIRED ELDERLY AMERICAN" LIMITED OFFICIAL USE

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INVOLVED IN THEIR ARREST, AND ANOTHER TWO AMERICANS IN THEIR PROCESSING. DOES POST HAVE ANY INFORMATION ON POSSIBLE IDENTITY AND ROLE IN ARREST?

7. FOR UPCOMING DEPARTMENT REPORT TO HOUSE SUBCOMMITTEE, POST SHOULD CABLE NO LATER THAN 10/13/75 STATUS OF ACTIONS INITIATED OR COMPLETED ON SMITH. INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 29 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE231363
Document Source: CORE
Document Unique ID: 00
Drafter: SCS/LWPOLIK/MRER
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750337-0266
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975098/aaaaagsr.tel
Line Count: 114
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 194199
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 11 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 SEP 2003 by izenbei0>; APPROVED <06 NOV 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CASE REVIEW OF ALL AMERICAN PRISONERS IN MEXICO - - (ROBERT ALLEN SMITH)
TAGS: CASC, MX, (SMITH, ROBERT ALLEN)
To: HERMOSILLO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006